

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOSHUA P. BRAITHWAITE,

Plaintiff,

v.

Case No. 21-cv-465-pp

SGT. MUTIVA, *et al.*,

Defendants.

**ORDER DENYING PLAINTIFF'S LETTER REQUESTS TO ORDER
INSTITUTION TO STOP COLLECTING FILING FEE (DKT. NOS. 18, 19)
AND DENYING PLAINTIFF'S MOTION FOR GOOD CAUSE PLEADING
SPECIAL MATTER (DKT. NO. 21)**

On April 13, 2021, plaintiff Joshua Braithwaite, who is confined at the Wisconsin Resource Center, filed a civil rights case. Dkt. No. 1. The court assessed an initial partial filing fee of \$7.31, dkt. no. 5, and the court received that fee on May 4, 2021. On June 8, 2021, the plaintiff filed a notice of voluntary dismissal. Dkt. No. 16. See Fed. R. Civ. P. 41(a)(1)(A)(i). The court subsequently issued an order directing collection of the \$342.69 balance of the filing fee, instructing the institution to collect monthly payments from the plaintiff's prison trust account in an amount equal to 20% of his preceding month's income credited to the plaintiff's trust account and forwarding payments to the clerk of court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. §1915(b)(2). Dkt. No. 17.

In July 2021, the court received a letter from the plaintiff, asking the court to notify his institution not to collect the balance of the filing fee because he believed there was a misunderstanding in that he filed his case in the Eastern District of Wisconsin when he should have filed it in the Western

District of Wisconsin. Dkt. No. 18. Six days later, the court received a second letter in which the plaintiff asked for leniency, explaining that he had no money and that he had refiled this same case in the Western District of Wisconsin, resulting in his having to pay two filing fees. Dkt. No. 19.

Finally, on August 21, 2021, the court received from the plaintiff a motion “for good cause pleading special matter,” in which he asked the court to “dismiss” his “order by collecting of filing fee” and to reimburse him the money that had been collected. Dkt. No. 21.

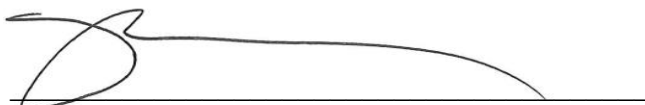
The court understands the plaintiff’s frustration at having to pay the full filing fee for a case that he voluntarily dismissed at an early stage and refiled in another district. The law requires, however, that any prisoner who files a civil lawsuit must pay the statutory filing fee. 28 U.S.C. §1915(b)(1). The fact that the plaintiff filed a complaint means that he owes the entire filing fee. The law does not make an exception for voluntary dismissal.

The court **DENIES** the plaintiff’s letter requests that the court order the institution not to collect the balance of the filing fee. Dkt. Nos. 18, 19.

The court **DENIES** the plaintiff’s motion for good cause pleading special matter. Dkt. No. 21.

Dated in Milwaukee, Wisconsin this 19th day of October, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge